

ATTACHMENT A REMARKS

Claims 1-4, 6-8, 10-14, 16-22, 30-39 and 42-48 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams et al. (U.S. Patent 5,977,964) ("Williams") in view of Herz et al. (U.S. Patent 5,758,257) ("Herz") and Lu et al. (U.S. Patent 5,771,307) ("Lu"). This rejection is respectfully traversed although independent claims 1, 7, 13, 19, 30, 37 and 45 have been amended to more clearly distinguish over the references cited.

All of the independent claims, as amended, provide for the use of audio feature recognition to determine when an additional user arrives in a viewing volume. More specifically:

- Independent claims 1, 7 and 30 recite an apparatus for controlling access to information, including, among other elements, an audio input device for detecting sounds in a viewing volume, and an audio feature recognition device for processing said sounds to determine when an additional user arrives in the viewing volume;
- Independent claims 13, 19 and 37 recite a method for controlling access to information, including, among other steps, acquiring audio input signals from a viewing volume, and performing feature recognition on the audio input signals to determine when an additional or newly present user arrives in the viewing volume;
- Independent claim 45 recites a device for controlling access to information, including, among other elements, means for acquiring audio input and means for performing audio feature recognition to determine when an additional user arrives in a viewing volume.

Turning to the rejections, it is suggested in the Office Action that Williams discloses a user-recognition audio apparatus and method, such as is now included in the independent claims, in column 11, lines 2 to 12, FIG. 2, and col. 12, lines 29 to 44.

It is respectfully submitted that the audio apparatus and method disclosed in Williams at column 11, lines 2 to 12, FIG. 2, and col. 12, lines 29 to 44 are only concerned with a single user of a system speaking into a microphone of the system

(e.g., to activate the system). The system of Williams is only capable of identifying a single person at a time, viz., the person that is actually interacting with the system, and has no clue when an additional or newly present user arrives in a viewing volume. Thus, Williams does not teach or suggest using audio feature recognition to determine when an additional user arrives in a viewing volume. Further, neither Herz nor Lu suggest using audio feature recognition to determine when an additional user arrives in a viewing volume. Thus, it is respectfully submitted that independent claims 1, 7, 13, 19, 30, 37 and 45, as amended, define over Williams in view of Herz and Lu.

The amendments made to the independent claims are based on the subject matter claimed in claims 3, 11, 17, 21, 32 and 43 and thus, these claims have now been cancelled.

The remaining claims in the application all depend either directly or indirectly from independent claims 1, 7, 13, 19, 30, 37 and 45 and are rejected under 35 U.S.C. 103(a) as being unpatentable over various combinations of Williams, Herz, Lu, Wachob (U.S. Patent 5,231,494), Kipust (6,002,427), and Ford (6,181,364). It is respectfully submitted that none of Wachob, Kipust or Ford make up the deficiencies of Williams, Herz and Lu as references against the independent claims. Thus, for at least the reasons discussed above, it is respectfully suggested that the rejection of the remaining claims of the application can also be properly withdrawn.

Further, it is respectfully submitted that claims 6 and 35 are separately patentable. Both of these claims recite an apparatus for controlling access to information wherein a control device selects a predetermined channel based on a determination by a user-recognition device. It is contended in the Office Action that Williams discloses a control device that selects predetermined channels based on a determination of the user via the user-recognition device in column 10, lines 61 – 65, and in column 11, lines 22 – 48. However, the cited passages do not appear to teach or suggest a control device that selects a predetermined channel based on a determination by a user-recognition device. In column 10, lines 61 – 65, Williams teaches a system controller displaying only non-blocked television channels if parental controls are selected to block out several channels for one user and the identity of the current user has not been established. However, this passage does not suggest actually selecting a predetermined channel. Similarly, in column 11, lines 22 – 48, Williams

teaches presenting a user with a number of programming suggestions which most closely align with a user profile of a particular user. However, presenting programming suggestions is not the same as selecting a predetermined channel based on a determination by a user-recognition device. Thus, it is respectfully submitted that claims 6 and 35 are allowable for these additional reasons.

It is respectfully urged that the instant application is in condition for allowance. However, if the Examiner believes that there are unresolved issues, the Examiner is respectfully invited to contact the Applicant's attorneys-of-record to discuss the issues.

END REMARKS